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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,314	11/10/2003	Jerry Dai	PD-202048	4455
29158 7590 10/29/2007 BELL, BOYD & LLOYD LLP P.O. BOX 1135 CHICAGO, IL 60690			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/705,314	<b>Applicant(s)</b> DAI ET AL.	
	<b>Examiner</b> Melur Ramakrishnaiah	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 and 35-37 is/are allowed.
- 6) ☐ Claim(s) 1, 3-4, 10, 21-22, 30 is/are rejected.
- 7) ☒ Claim(s) 2, 5-9, 11-14, 23-29 and 31-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 21-22, are rejected under 35 U.S.C 102(e) as being anticipated by Wainfan et al. (US PAT: 6,032,041, filed 6-2-1997, hereinafter Wainfan).

Regarding claim 1, Wainfan discloses a satellite terminal (18/20, fig. 1) for providing data communication with a satellite (12, fig. 1), comprising: communications circuitry in (18/20, fig. 1) for providing signal transmission to the satellite (12, fig. 1) at a selected data rate, and a data rate change request mechanism responsive to a satellite signal (reads on broadcast information packet sent by the satellite controller 39, fig. 4) independent of the signal transmission from the communication terminal for requesting the communication circuitry to reduce (reads on fallback) the selected data rate in response to a first value parameter of the satellite signal (fig. 1, col. 6 lines 20-51).

Regarding claim 21, Wainfan discloses a method of operating a satellite terminal (18/20, fig. 1) interacting with a satellite, comprising the steps of: transmitting an uplink signal at selected data rate, receiving a satellite signal transmitted by the satellite independently of the uplink signal, and initiating reduction of the selected data rate (reads on fallback) in response to first value of a parameter of the satellite signal (reads

on broadcast information packet sent by the satellite controller 39, fig. 4; fig. 1, col. 6 lines 20-51).

Regarding claims 3-4, 22, Wainfan further discloses: data rate change request mechanism is further responsive to feedback signals (reads on broadcast information packet sent by the satellite controller 39, fig. 4) produced by the satellite in response to the signal transmission from the communication circuit, data rate change request mechanism is configured to request communication circuitry in (18/20, fig. 1) to reduce the selected data rate (reads on fallback) when feedback signal indicate an increase in signal fade (such as due to rain; col. 6, lines 40-51), step of initiating reduction of the selected data rate when feedback signal (reads on broadcast information packet sent by the satellite controller 39, fig. 4) produced by the satellite in response to the uplink signal transmitted indicate an increase in signal attenuation (caused by rain; col. 6 lines 20-51).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wainfan in view of Boyden et al. (US PAT: 6,724,737).

Wainfan differs from claim 10 in that he does not specifically teach: encoder for providing error correcting coding of a signal transmitted to the satellite.

However, Boyden discloses system for controlling communications between a terminal and satellite and method therefore which suggests: encoder for providing error correcting coding of a signal transmitted to the satellite (col. 1 lines 21-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Wainfan's system to provide for the following: encoder for providing error correcting coding of a signal transmitted to the satellite as this arrangement would facilitate to provide error correction for signals fades etc as taught by Boyden.

Claim 30 is rejected on the same basis as claim 10.

5. Claims 15-20, 35-37 are allowed.

6. Claims 2, 5-9, 11-14, 23-29, 31-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

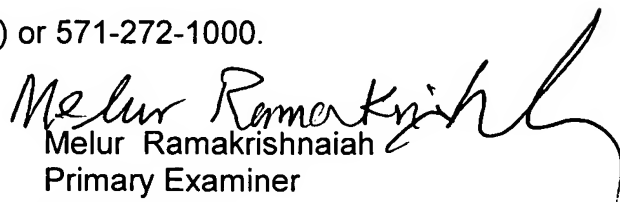
--(6,212,360) to Fleming, III et al. discloses a method for providing stable communication between a hub earth-satellite and a VSAT earth satellite by regulating the power of signals transmitted via a satellite.

--(5,541,955) to Jacobsmeier discloses adaptive data modem useful for transmitting data over fading channels, which uses an adaptive data rate technique, which supports multiple data rate in the same device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614